

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**ROBERT NELSON HOWELL,**

**Defendant.**

**No. 98-CR-30200-DRH**

**MEMORANDUM AND ORDER**

**HERNDON, Chief Judge:**

On April 12, 2013, the Court received Howell's motion for jurisdiction defective pursuant to 28 U.S.C. § 2255 (Doc. 417). The Court notes that this appears to be at least Howell's fourth attempt at filing a section 2255 motion. In this pleading, Howell now argues that the government failed to comply with 21 U.S.C. § 851 regarding enhancements and, thus, the Court did not have jurisdiction to impose an enhanced sentence. Pursuant to this Court's February 11, 2009 Order restricting Howell from filing frivolous and nonsensical pleadings in this closed criminal case (Doc. 381), the Court directed the Clerk of the Court to return the pleading to Howell along with a copy of the February 11, 2009 Order and a copy of the criminal docket sheet highlighting document 176 which is the 21 U.S.C. § 851 Notice entitled NOTICE AS TO A SPECIFIC SENTENCING FACTOR (ENHANCEMENT INFORMATION) charging prior convictions by USA as to Robert Nelson Howell Jr. The Court did not file the document.

Thereafter, on April 22, 2013, the Court received a notice of appeal of the Court's action directing the Clerk of the Court to return the pleading to Howell. After receiving the notice of appeal and for clarification purposes for the appeal, the Court directed the Clerk of the Court to file both pleadings. Based on the following, the Court dismisses for lack of jurisdiction Howell's motion for jurisdiction defective pursuant to 28 U.S.C. § 2255 habeas corpus petition.

As the record is abundantly clear, this is not Howell's first § 2255 motion. He has filed at least four previous motions/petitions.<sup>1</sup> In order for the Court to consider a successive petition, the Seventh Circuit Court of Appeals must certify the successive petition pursuant to 28 U.S.C. § 2255, ¶ 8. *Nunez v. United States*, 96 F.3d 990, 991 (7th Cir. 1996). The Seventh Circuit has not done so. Therefore, the Court does not have jurisdiction to entertain the pending § 2255 motion.

Accordingly, the Court **DIMISSES for lack of jurisdiction** Howell's motion for jurisdiction defective pursuant to 28 U.S.C. § 2255 habeas corpus petition (Doc. 417).

**IT IS SO ORDERED.**

Signed this 23rd day of April, 2013.

Digitally signed by  
David R. Herndon  
Date: 2013.04.23  
10:25:17 -05'00'



**Chief Judge  
United States District Court**

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<sup>1</sup> His original section 2255 petition was filed on September 13, 2001. **Error! Main Document Only.** *Howell v. United States*, 01-CV-0607-DRH (S.D. Ill., filed September 13, 2001), *appeal denied*, Appeal No. 03-3535 (7th Cir. decided September 25, 2003).